

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 23-22812-CV-WILLIAMS**

KAIQUAN HUANG,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS IDENTIFIED
ON SCHEDULE "A",

Defendants.

**REPORT AND RECOMMENDATION ON PLAINTIFF'S MOTION TO EXTEND
DEADLINES CONTAINED IN THE TEMPORARY RESTRAINING ORDER
AS TO CERTAIN DEFENDANTS**

THIS CAUSE comes before the Court upon Plaintiff's *ore tenus* Motion to Extend Certain Deadlines Contained in the Temporary Restraining Order as to Certain Defendants Only ("Motion"). The Court has carefully considered the Motion, the record, oral argument presented at the September 21, 2023, hearing, and is otherwise fully advised. Plaintiff seeks an order granting an extension of the Court's Sealed Order Granting *Ex Parte* the Motion for Temporary Restraining Order (ECF No. 19) ("sealed TRO") only as to a limited number of Defendants, specifically identified as the Aliexpress Defendants (Defendants number: 21 through 52), the Temu Defendants (Defendants number: 55 through 57), and the Shein Defendants (Defendants number: 58 through 63) on Schedule "A" of the Amended Complaint (hereinafter the "Aliexpress, Temu and Shein Defendants").

Under Federal Rules of Procedure 65(b)(2) a temporary restraining order "expires at the time after entry—not to exceed 14 days—that the court sets, unless before that time the court, for

good cause, extends it for a like period or the adverse party consents to a longer extension” *Id.* Plaintiff’s counsel represented that upon information and belief, the Aliexpress, Temu and Shein platforms have not yet restrained the accounts and have not provided the information on the Aliexpress, Temu and Shein Defendants as required by the sealed TRO. Consequently, the sealed TRO, to date, has had no effect on the Aliexpress, Temu and Shein; their accounts have not been restrained and remain unaffected. Having shown good cause, the Court finds that an extension of time is warranted so that Plaintiff can obtain service information and confirm whether the financial accounts of the Aliexpress, Temu and Shein Defendants have been restrained.

Accordingly, it is **RECOMMENDED** that:

1. Plaintiff’s Motion to Extend the Deadlines in the Sealed TRO Order dated September 1, 2023 (ECF No. 19) is **GRANTED** as to the Aliexpress, Temu and Shein Defendants only.
2. The Sealed TRO Order dated September 1, 2023, is extended, and shall remain in effect until **October 2, 2023** as to the Aliexpress, Temu and Shein Defendants only.
3. A hearing set before this Court via Zoom teleconference is scheduled to be heard on **October 2, 2023, at 10:00 am**: Meeting ID: 161 197 0896; Passcode: 742389. At the hearing, the Aliexpress, Temu and Shein Defendants or any other affected persons may challenge the appropriateness of this Order and move to dissolve the same and at which time the Court will hear argument on the Plaintiff’s requested preliminary injunction on the Aliexpress, Temu and Shein Defendants.
4. Any response or opposition to the Plaintiff’s Motion for Preliminary Injunction must be filed and served on Plaintiff’s counsel at least forty-eight (48) hours prior to the hearing and filed with the Court, along with Proof of Service. Plaintiff shall file any Reply Memorandum twenty-four (24) hours prior to the hearing. The above dates may be revised upon stipulation by all parties and approval of this Court and filed with the Court.
5. Defendants are hereby on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against them pursuant to 15 U.S.C. § 1116(d), Fed. R. Civ. P. 65, The All Writs Act, 28 U.S.C. § 1651(a), 17 U.S.C. § 101 et seq., and this Court’s inherent authority.
6. Pursuant to 28 U.S.C. § 636(b)(1) and Local Magistrate Rule 4(a), Plaintiff has THREE (3) days from the date of this Report and Recommendation to serve and file written

objections, if any, with the District Judge. See generally *Jeffrey S. by Ernest S. v. State Bd. of Educ. of State of Ga.*, 896 F.2d 507 (11th Cir. 1990). Failure to timely file objections will bar a de novo determination by the district judge of anything in this Report and shall constitute a waiver of a party's "right to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions." 11th Cir. R. 3-1; see also *Harrigan v. Metro-Dade Police Dep't Station #4*, 977 F.3d 1185, 1191–92 (11th Cir. 2020); 28 U.S.C. § 636(b)(1)(C).

SIGNED this 21st day of September, 2023.



LISETTE M. REID
UNITED STATES MAGISTRATE JUDGE

cc: U.S. District Judge Kathleen M. Williams; and
All Counsel of Record